

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAINTERS JOINT COMMITTEE, et al.,

Plaintiffs,

vs.

J.L. WALLCO, INC., et al.,

Defendants.

Case No. 2:10-cv-01385-JCM-PAL

ORDER

(Mtn to Withdraw - Dkt. #162)

This matter is before the court on the Motion to Withdraw (Dkt. #162) filed January 24, 2012. Rodney S. Woodbury and Zachariah B. Parry seek to withdraw as counsel of record for Defendants Richard Rejan Nieto *dba* Genuine Quality Coatings, Genuine Quality Coatings, Inc., Shrader & Martinez Construction, Inc., Merchants Bonding Company, and Great American Insurance Company. Shrader & Martinez Construction, Inc., Merchants Bonding Company, and Great American Insurance Company tendered their defenses to Genuine Quality Coatings pursuant to contract. The Motion represents that Defendants have failed to pay legal costs and fees for services rendered in this litigation. Additionally, Defendant Nieto has been unresponsive to counsel which has caused a substantial communication breakdown. Counsel contends this case has already caused undue financial burden, and counsel has spent hundreds of hours of work without compensation over the last year. *If* leave to withdraw, is not granted it will result in further financial burden to the firm. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” *Id.*

The Complaint in this case was filed on August 13, 2010. There is a Motion for Summary Judgment (Dkt. #109) filed on December 12, 2011, pending against these Defendants. They were granted an extension of time to respond, and Plaintiffs have requested the response deadline be continued further due to a discovery dispute Plaintiffs have with Wells Fargo regarding certain

1 subpoenas *duces tecum*. Plaintiffs have also filed a Motion to Supplement (Dkt. #144)
2 their motion for summary judgment. Counsel states these Defendants have outstanding discovery
3 requests and responses are due to Plaintiffs, but because Defendant Nieto has refused to acknowledge or
4 respond to the requests for documents, counsel cannot adequately respond. A Motion to Compel (Dkt
5 #163) was filed January 25, 2012, and is currently set for hearing February 28, 2012.

6 Having reviewed and considered the matter, and for good cause shown,

7 **IT IS ORDERED:**

- 8 1. The Motion to Withdraw (Dkt. #162) is GRANTED.
- 9 2. A corporation cannot appear except through counsel. *U.S. v. High Country*
10 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men's*
11 *Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Genuine Quality Coatings, Inc.;
12 Shrader & Martinez Construction, Inc.; Merchants Bonding Company; and Great
13 American Insurance Company shall have until **March 1, 2012**, in which to retain new
14 counsel who shall file a notice of appearance in accordance with the Local Rules of
15 Practice.
- 16 3. Richard Rejan Nieto shall have until **March 1, 2012**, in which to retain new counsel
17 who shall file a notice of appearance in accordance with the Local Rules of Practice or to
18 file a statement that he will be proceeding pro se.
- 19 4. Failure to comply with this order may result in a recommendation to the District Judge
20 for sanctions, including case-dispositive sanctions.

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5. The Clerk of Court shall serve a copy of this Order on Defendants at:

Richard Rejan Nieto
Genuine Quality Coatings
452 E. Silverado Ranch Blvd., #457
Las Vegas, NV 89183

Mick Flack
Bond Claims
Great American Insurance Co.
P.O. Box 2119
Cincinnati, OH 45201

Shrader & Martinez Construction, Inc.
160 Dry Creek Road
Sedona, AZ 86336-4307

Amanda Brunkhorst
Merchants Bonding Company
2100 Fleur Drive
Des Moines, IA 50321

Dated this 30th day of January, 2012.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE